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E-FILED: 05/6/2009

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

8 In re:
 9
 10 IRENE MICHELLE SCHWARTZ-
 TALLARD,
 11
 12 Debtor(s).

In Bankruptcy
 BKS-07-11730-LBR
 Chapter 13

MOTION TO REINSTATE AUTOMATIC STAY

Date: TBD
 Time: TBD
 Courtroom: 1

14 IRENE MICHELLE SCHWARTZ-TALLARD, through her attorney Barry Levinson of
 15 The Law Offices of Barry Levinson, and as owner of 17 Caprington Rd., Henderson Nevada
 16 89052 described herein respectfully represents as follows:
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- 18 1. This court has jurisdiction over the subject matter of this Motion pursuant to the provisions
 19 of 28 United States Code §§ 157, 1334 and 11 United States Code § 362.
- 20 2. On or about March 30, 2007, IRENE MICHELLE SCHWARTZ-TALLARD ("Debtor")
 21 filed a voluntary petition under Chapter 13 of the Bankruptcy Code. Rick A. Yarnall is the
 22 appointed Chapter 13 Trustee.
- 23 3. On or about March 25, 2009, Debtor, IRENE MICHELLE SCHWARTZ-TALLARD had a
 24 Motion for Relief from Automatic Stay filed against the property located at 17 Caprington
 25 Rd., Henderson, NV 89052.
- 26 4. The Attorney of record at the time, Frank Sorrentino, Esq., never informed the Debtor of
 27 the motion nor was Debtor ever notified of the circumstances.

5. The motion lifting the Automatic Stay was granted 4/6/2009
6. The Debtor is not in default of her obligations under the Note for failure to make payments Pursuant to 11 United States Code § 1322, and the Debtor's Chapter 13 Plan, the Debtors have paid all post petition payments to the Creditor Soma Financial through the servicing company, American Servicing Company "ASC" (Attached as Exhibit A). Debtor mailed her April 2009 payment to ASC in the same fashion, however, her payment was returned requesting certified funds which was never a requirement prior to the return of the April payment (Attached as Exhibit B). Debtor is able and ready to make payments for April and May 2009.
7. If the Automatic Stay on Debtor's Real Property is not reinstated prior to May 20, 2009 a foreclosure sale will take place at 10:00 a.m. on that date and debtor will lose her home by the foreclosure of her Real Property. Debtor will suffer irreparable injury, loss and damage, especially when the lender has accepted all payment up until the stay was lifted.

WHEREFORE, Debtor respectfully prays for an Order of this court as follows:

1. Reinstatement of the Automatic stay of 11 United States Code § 362.
2. That the 10-day stay described by Bankruptcy Rule 4001(a)(3) be waived;
3. That the attorneys' fees and costs incurred by Debtor for filing the instant Motion be included for Lender filing a frivolous motion to lift stay and sanctions be awarded under 362(h);
4. That the requirement of Local Rule 9021 be waived; and
5. For such other and further relief as the Court deems just and proper.

Dated: May 6, 2009

THE LAW OFFICES OF BARRY LEVINSON

/S/ BARRY LEVINSON
BARRY LEVINSON
Attorney for Debtor(s)